

APPEAL NO. 031822
FILED AUGUST 21, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 9, 2003. The hearing officer resolved the disputed issues by deciding that the compensable injury does not extend to include the cervical spine and that the appellant (claimant) had disability from February 23 to September 2, 2002. The claimant appealed, arguing that the determinations were so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the carrier has accepted as compensable an injury to the claimant's bilateral wrists and that the claimant had disability beginning February 23, 2002, and ending September 2, 2002. At issue was whether the compensable injury extends to include an injury to the cervical spine and whether the claimant had disability after the stipulated period. Extent-of-injury and disability are questions of fact. It was for the hearing officer, as the trier of fact, to resolve the conflicts and inconsistencies in the evidence and to determine what facts had been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Taylor v. Lewis, 553 S.W.2d 153, 161 (Tex. Civ. App.-Amarillo 1977, writ ref'd n.r.e.); Aetna Insurance Co. v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). The hearing officer noted that the records in evidence were insufficient to show a causal connection between the claimant's employment duties and any cervical problems. Further, the hearing officer specifically found that the claimant's failure to work after September 2, 2002, was not caused by the compensable injury. In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Margaret L. Turner
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Edward Vilano
Appeals Judge